

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-6231**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

WALTER R.C. STAMPER,

Defendant - Appellant.

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Appeal from the United States District Court for the Western District of Virginia, at Roanoke. James P. Jones, Chief District Judge. (CR-96-52-JPJ; CA-04-233-JPJ)

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Submitted: August 12, 2005

Decided: August 30, 2005

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Before WILKINSON, WILLIAMS, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Walter R.C. Stamper, Appellant Pro Se. Randy Ramseyer, United States Attorney, Abingdon, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Walter R.C. Stamper seeks to appeal the district court's orders denying his motion filed under 28 U.S.C. § 2255 (2000) as untimely and denying his motion for reconsideration filed pursuant to Fed. R. Civ. P. 59 and 60. The orders are not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000); see Reid v. Angelone, 369 F.3d 363, 370 (4th Cir. 2004). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Stamper has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED